The opinion in support of the decision being entered today was ***not*** written for publication and is ***not*** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED
MAR 16 2005
U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GOLDINO SOUSA ALVES

Appeal No. 2005-0768
Application No. 10/010,203

ON BRIEF

Before FRANKFORT, MCQUADE and NASE, Administrative Patent Judges.

MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Goldino Sousa Alves appeals from the final rejection of claims 2 and 10 through 14, all of the claims pending in the application.[1]

THE INVENTION

The invention relates to "an elevator system having one or more periodically layered vibration isolators for reducing noise and isolating vibrations" (specification, page 1).

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[1] Claim 14 has been amended subsequent to final rejection.

Representative claim 2 reads as follows:

2. An elevator noise and vibration isolation system comprising an elevator component; a second component; at least one vibration isolator being positioned between said elevator component and said second component; each said vibration isolator having a plurality of layers with at least one layer being a hard layer and at least one layer being a soft layer; said elevator component comprising an elevator cab, said second component comprising a guide rail, and said at least one layered vibration isolator being connected to said guide rail and to said elevator cab.

THE PRIOR ART

The references relied on by the examiner as evidence of anticipation are:

Mason	2,103,480	Dec. 28, 1937
Kiri et al., Japanese Patent Document (Kiri)	08-245118	Sep. 24, 1996

THE REJECTIONS

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mason.

Claims 2 and 10 through 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kiri.

Attention is directed to the main and reply briefs (filed June 4, 2004 and November 18, 2004) and the answer (mailed

September 16, 2004) for the respective positions of the appellant and the examiner regarding the merits of these rejections.[2]

DISCUSSION

I. The 35 U.S.C. § 102(b) rejection of claim 2 as being anticipated by Mason

Mason discloses an elevator noise and vibration isolation system which is described in the reference as follows:

> . . . 10 designates a conventional guide shoe stand which is secured to and carried by the elevator car, said stand including a horizontally disposed tubular bearing 11, in which is arranged for horizontal sliding movement, a conventional spring pressed shaft 12 carrying on its forward end a vertically disposed shoe 13, which is channel shaped in horizontal section.
>
> Removably positioned on the ends of the shoe 13 are caps or plates 14, and formed in each plate is notch 15 for the accommodation of the conventional elevator guiding rail 16 that extends vertically through the hatchway.
>
> Positioned within the shoe 13, and retained therein by the removable plates 14 is a gib 17 that is channel shaped in horizontal section, and said gib being formed of iron wood and preferably that particular species of iron wood that is commercially known as desert iron wood.
>
> The channel that is formed in this gib, receives the outer portion of the flange 18 of guide rail 16, and positioned within the shoe 13 behind and to the

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[2] In the final rejection (mailed August 15, 2003), claims 2 and 10 through 14 also stood rejected under 35 U.S.C. § 112, first paragraph, and claim 14 additionally stood rejected under 35 U.S.C. § 112, second paragraph. The record indicates that the examiner has since withdrawn these rejections. The record also contains an English language translation of the Kiri reference, which translation was prepared by the USPTO and appended by the examiner to the answer.

> sides of the gib is a cushion 19 of elastic material, preferably rubber.
>
> The elasticity of this cushioning member 19 maintains the gib in close contact with the guiding rail, and as said cushion is formed of elastic material, it absorbs and nullifies any vibration that might otherwise occur between the shoe and rail during the operation of the elevator and likewise said cushioning member renders the sliding movement of the gib on the guiding rail, noiseless [page 1: column 1, line 50, through column 2, line 35].

As framed and argued by the appellant, the dispositive issue with respect to the subject rejection is whether Mason meets the limitations in claim 2 requiring the at least one vibration isolator to have a plurality of layers with at least one layer being a hard layer and at least one layer being a soft layer. The examiner considers these limitations to be met by the layered construction embodied by Mason's iron wood gib 17, elastic rubber cushion 19 and ostensibly metal shoe 13 (see Figure 3). The appellant counters that

> there is no way any one would see the combination of elements 17 and 19 or 13 and 19 of Mason as an "isolator". Elements 17 and 13 do not form any part of a vibration isolator. Element 17 is clearly identified as the gib and element 13 is clearly identified as the shoe. Neither has any vibration isolation function. To take a position that the elements 13 and 17 form part of a vibration isolator is to misconstrue the teachings of the Mason patent - which clearly states the cushioning member is solely element 19 [main brief, pages 11 and 12].

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency,

each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). It is not necessary that the reference teach what the subject application teaches, but only that the claim read on something disclosed in the reference, i.e., that all of the limitations in the claim be found in or fully met by the reference. Kalman v. Kimberly Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

The examiner's determination that the claim language at issue reads on the combination of Mason's gib 17, cushion 19 and shoe 13 is well founded. Although Mason does not describe these elements as constituting a "vibration isolator," the cushion 19 and either, or both, of the gib 17 and the shoe 13 embody a construction which (1) is structurally identical to the vibration isolator recited in claim 2, i.e., a plurality of layers with at least one layer (Mason's gib 17 or shoe 13) being a hard layer and at least one layer (Mason's cushion 19) being a soft layer, and (2) will inherently function to isolate vibrations.

Thus, the appellant's position that the subject matter recited in claim 2 distinguishes over that disclosed by Mason is not persuasive. Accordingly, we shall sustain the standing 35

U.S.C. § 102(b) rejection of claim 2 as being anticipated by Mason.

II. The 35 U.S.C. § 102(b) rejection of claims 2 and 10 through 14 as being anticipated by Kiri

Kiri discloses three embodiments of an elevator noise and vibration isolation system shown, respectively, in Figures 1 through 3, Figures 4 through 6 and Figures 7 through 9. For purposes of this rejection, the examiner focuses on the embodiment shown in Figures 1 through 3. Kiri describes this embodiment as follows:

> . . . In the figures, 20 shows the guide shoe frame secured to the [elevator] cage frame; 21 an L-shaped bracket in its sectional view, which has a notch in the center and is secured to the raised section 20a of frame 20, 22 the anti-vibration rubber, the one end of which is vulcanization-bonded to the top or bottom surface of the horizontal section of bracket 21, and 23 a plate with a stud bolt 24 that is vulcanization-bonded to the other end of anti-vibration rubber 22.
>
> In the figures, 25 indicates the shoe supporting metal in which the shoe 26 is integrated; to its top and bottom sections, the L-shaped bracket 27 is soldered, and it is connected to the anti-vibration rubber 22 via bolt 24 and plate 23. In the figures, 28 and 29 indicate the shoe-holding metals for holding the shoe 26 and are secured to the top and bottom ends of the shoe-supporting metal 25. In the figures, 30 indicates a stopper secured to the rear surface of the shoe supporting metal 25, 31 a bolt secured to the rear surface of shoe supporting metal 25 and penetrating through the hole 20b made in the raised section 20a of frame 20, and 32 a nut attached to said bolt [translation, pages 5 and 6].

Figures 1 through 3 show that the system includes four anti-vibration rubbers 22, two on either side of an elevator guide rail 1 enveloped by the shoe 26 and each bonded at one end to the bracket 21 and at the other end to one of the plates 23.

As framed and argued by the appellant, the dispositive issue with regard to the rejection of claim 2 is whether Kiri meets the limitations in the claim requiring the at least one vibration isolator to have a plurality of layers with at least one layer being a hard layer and at least one layer being a soft layer. The examiner views these limitations as being met by the layered construction embodied by each of Kiri's rubbers 22 and the horizontal section of bracket 21 and/or plate 23 bonded thereto. Echoing the arguments made with respect to the rejection based on Mason, the appellant submits that "the only element described in the Japanese reference that has any purpose as a vibration isolator is the rubber 22. None of the other elements relied upon by the Examiner are indicated in the reference as having any vibration isolation function" (reply brief, page 2).

Once again, the examiner's determination that the claim language at issue reads on the applied reference is well founded. Although Kiri does not describe them as "vibration isolators," each rubber 22 and either, or both, of the horizontal section of bracket 21 and plate 23 associated therewith embody a

construction which (1) is structurally identical to the vibration isolator recited in claim 2, i.e., a plurality of layers with at least one layer (Kiri's horizontal section of bracket 21 or plate 23) being a hard layer and at least one layer (Kiri's rubber 22) being a soft layer, and (2) will inherently function to isolate vibrations.

Hence, the appellant's position that the subject matter recited in claim 2 distinguishes over that disclosed by Kiri is not convincing. Consequently, we shall sustain the standing 35 U.S.C. § 102(b) rejection of claim 2 as being anticipated by Kiri.

We also shall sustain the standing 35 U.S.C. § 102(b) rejection of claims 10 through 14 as being anticipated by Kiri.

Claim 10 depends from claim 2 and requires each vibration isolator to have a plurality of hard layers and a plurality of soft layers wherein the hard layers and soft layers are alternating. As best shown in Figure 1, the Kiri system includes a "vibration isolator" on either side of the guide rail 1, each having a plurality of hard layers (the horizontal section of bracket 21 and two plates 23) and a plurality of soft layers (two rubbers 22) wherein the hard layers and soft layers are alternating.

Claim 11 depends from claim 10 and requires each soft layer to be formed from at least one material selected from the group consisting of synthetic rubber, natural rubber and a silicon elastomeric material. Kiri's rubbers 22 necessarily embody at least one of the first two materials.

Claim 12 depends from claim 2 and requires the at least one layered vibration isolator to be connected at a first end to a flange member joined to the guide rail. Each of Kiri's vibration isolators as constituted by a rubber 22 and the associated plate 23 is connected at an end to a flange member in the form of bracket 27 which is joined to the guide rail 1 via the shoe structure.

Claim 13 depends from claim 12 and requires the at least one layered vibration isolator to have a second end opposed to the first end and to be joined at the second end to a bracket with an aperture that allows the bracket to be connected to the elevator cab. Each of Kiri's vibration isolators as constituted by a rubber 22 and the associated plate 23 is joined at a second end to bracket 21 which has an aperture (see Figure 2) that allows the bracket to be connected to the elevator cab or cage.

Claim 14 depends from claim 2 and requires the at least one vibration isolator to further comprise a first layered vibration isolator connected to a first side of the guide rail and a second

layered vibration isolator connected to a second side of the guide rail. As shown in Figure 1, Kiri discloses this arrangement.

SUMMARY

The decision of the examiner to reject claims 2 and 10 through 14 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

CHARLES E. FRANKFORT)
Administrative Patent Judge)
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JOHN P. MCQUADE) BOARD OF PATENT
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